



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 30, 2007

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 403 Alameda Padre Serra

RECOMMENDATION: That Council approve and authorize the City Administrator to:

- A. Record Parcel Map No. 20,746 by Las Joyitas, LLC, a Delaware Limited Liability Company, for a subdivision located at 403 Alameda Padre Serra, Santa Barbara County Assessor's Parcel Number 031-391-015, and find the Parcel Map in conformance with the General Plan for the City of Santa Barbara (City);
- B. Execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property; and
- C. Execute and record an Agreement for Land Development Improvements.

DISCUSSION:

A Tentative Map for a one-lot subdivision for two new residential condominium units located at 403 Alameda Padre Serra (Attachment 1) was conditionally approved on February 24, 2005 by adoption of the Planning Commission's (PC) Conditions of Approval, Resolution Number 015-05 (Attachment 2), and a time extension was subsequently approved by the Staff Hearing Officer (SHO) on February 28, 2007, Resolution No. 014-07 (Attachment 3).

In accordance with the PC and SHO approvals, the Owner (Attachment 4) has signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit No. PBW2007-00168. It is necessary that Council approve the Parcel Map since it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of approval or conditional approval of the Tentative Map (Municipal Code, Chapter 27.09.060).

REVIEWED BY: _____ Finance _____ Attorney

Agenda Item No. _____

Staff recommends that Council authorize the City Administrator to execute the subject *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*. The *Agreement Assigning Water Extraction Rights* is being processed concurrently with this Council Agenda Report, but will be signed by the Public Works Director in accordance with Council Resolution No. 02-131.

THE FINAL MAP IS AVAILABLE FOR REVIEW, BOTH IN THE CITY CLERK'S OFFICE AND THE MAYOR AND COUNCIL OFFICE.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions that are Required to be Recorded Concurrent with Parcel Map No. 20,746 by Planning Commission's Conditions of Approval, Resolution No. 015-05
 3. Conditions that are Required to be Recorded Concurrent with Parcel Map No. 20,746 by Staff Hearing Officer's Resolution No. 014-07
 4. List of Owners and Members of Las Joyitas LLC

PREPARED BY: Homer F. Smith II, Principal Engineer/VJ/kts

SUBMITTED BY: Paul Casey, Acting Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map

403 Alameda Padre Serra



Not to Scale

**CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL
MAP NO. 20,746 BY PLANNING COMMISSION'S CONDITIONS OF APPROVAL,
RESOLUTION NO. 015-05**

403 Alameda Padre Serra

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Parcel Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Water Rights Assignment.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property.
 5. **Allowed Development.** The development of the Real Property approved by the Planning Commission on February 24, 2005 is limited to 3,530 sq. ft. of living area, containing two dwelling units, 800 sq. ft. of garage area and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 7. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

**CONDITIONS THAT ARE REQUIRED TO BE RECORDED
CONCURRENT WITH PARCEL MAP NO. 20,746 BY STAFF
HEARING OFFICER'S CONDITIONS OF APPROVAL,
RESOLUTION NO. 014-07**

403 Alameda Padre Serra

- II. Said approval is subject to the Conditions of Approval as outlined in Planning Commission Resolution No. 015-05.

Attachment 4

LIST OF OWNERS AND MEMBERS OF: LAS JOYITAS LLC 403 ALAMEDA PADRE SERRA

Thomas J. Condon, Member